

INSTRUCTIONS FOR APPLYING
FOR A
DOMESTIC VIOLENCE PROTECTION ORDER
IN WYOMING

Petitioning the court for a Domestic Violence Protection Order does not guarantee your safety or that the alleged abuser or Respondent will comply with the terms if such an order is granted. Domestic Violence Orders should not be sought unless an act of domestic abuse as defined by the law exists.

“Domestic abuse” means the occurrence of one (1) or more of the following acts by a household member but does not include acts of self defense: (A) Physically abusing, threatening to physically abuse, attempting to cause or causing physical harm or acts which unreasonably restrain the personal liberty of any household member; (B) Placing a household member in reasonable fear of imminent physical harm; or (C) Causing a household member to engage involuntarily in sexual activity by force, threat of force or duress. See the definition section for a qualifying household member.

For help in developing a safety plan or about protection orders and how to get one, contact your local domestic violence program (see Crisis Intervention in the Yellow Pages) or call the Wyoming Coalition Against Domestic Violence and Sexual Assault at (800) 990-3877 or Wyoming Division of Victim’s Services at (888)996-8816 or the National Domestic Violence Hotline at (800) 799-SAFE (7233) or (512) 453-8117 (multi-lingual advocates are available);

Definitions for Order of Protection
Domestic Violence Protection Act
Wyo. Stat. § 35-21-102

(i) “Adult” means a person who is sixteen (16) years of age or older, or legally married;

(iv) “Household member” includes:

- (A) Persons married to each other;
- (B) Persons living with each other as married;
- (C) Persons formerly married to each other;
- (D) Persons formerly living with each other as if married;
- (E) Parents and their adult children;
- (F) Other adults sharing common living quarters;
- (G) Persons who are the parents of a child but who are not living with each other;
and
- (H) Persons who are in, or have been in, a dating relationship.

INSTRUCTIONS FOR COMPLETING THE PETITION FOR ORDER OF PROTECTION

Numbers to these instructions correspond to the same numbers on the Petition For Order Of Protection Form. **READ THESE INSTRUCTIONS CAREFULLY.**

Top of page for Petition for Order Of Protection

If you are filing this petition requesting the protection order, you are the **Petitioner**. **Respondent** is the person against whom an order is sought and the person alleged as the abuser.

YOU MUST BE AS THOROUGH, COMPLETE, AND DETAILED AS YOU POSSIBLY CAN, BECAUSE THE COURT MAY DENY YOUR REQUEST IF THERE IS INSUFFICIENT INFORMATION.

1. Petitioner's information

- Petitioner's Name: LAST NAME, FIRST NAME, MIDDLE INITIAL. **Petitioner's LAST name must be listed FIRST.**
- Petitioner's date of birth, race and sex must also be listed. The date of birth will be blacked out and kept confidential by the clerk.
- **Do NOT write your address here if you desire your whereabouts to remain undisclosed to the Respondent.** The court must be able to reach you by phone and mail, however, your safety also is very important. If you do not want the person to be restrained to know where you are, you can write in a friend's or relative's address and phone number in the spaces provided for you, the Petitioner. Be sure to get this person's permission first, and be sure the court can contact you with the provided information. If a friend or relative is not appropriate to use in your situation, and you still desire your whereabouts to remain confidential, you can write "confidential" in the provided spaces for your address and phone number. If you do this, be sure to give the court your address and phone number in a separate envelope marked "confidential". **All boxed areas must be filled in.** (The court shall, if requested by the Petitioner, order the address of the Petitioner and any children of the Petitioner and Respondent be kept confidential. **(Wyo. Stat. 35-21-105(e)).**

2. Respondent's information

- Please fill in this information to the best of your ability. It is important to provide as much information as possible about the person against whom you are seeking this order. The Respondent is also the alleged abuser.
- Make sure you provide the Respondent's full name (last, first and middle initial)

and any other names used by the Respondent. The date of birth will be blacked out and kept confidential by the clerk. If you do not know the person's date of birth, please give an approximate age. **All boxed areas must be filled in.**

- Be sure to list distinguishing marks, scars or tattoos and where they are located.
- Also, if you know the Respondent's date of birth, vehicle identification number, driver's license number, military identification number, or identification card number, include them in your petition. This will assist in registering the information in the statewide registry and will promote enforcement of any violations of the protection order. The date of birth, driver's license number, military identification number or identification card number will be blacked out and kept confidential by the clerk.

3. Wyo. Stat. § 35-21-101 through 35-21-111

- Wyoming's Domestic Violence Protection Act provides laws you should be familiar with. A copy of these statutes may be found on the internet at (<http://legisweb.state.wy.us/statutes/titles/title35/chapter21.htm>) or at most local libraries.

4. City, County and State

- Please indicate the City, County and State of your current residency on the first two lines provided. Also designate the City, County and State in which the acts of domestic abuse set forth in paragraphs seven (7) and eight (8) of the Petition For Order of Protection took place.

5. Your relationship with the Respondent

- It is important for the Court reviewing this petition to know the relationship between you and the Respondent. Please circle all the letters (A) through (J) which describe your situation. You must meet at least one of the described relationships in order to qualify for protection under this law.

6. Children born of Petitioner and Respondent

- If you and the Respondent are parents of the same children, list the children's full names, (last, first and middle), date of birth, race, female/male, with whom and where they are living at the present time. **Do NOT list the address of the children if you do not want the Respondent to know their whereabouts because of safety concerns.** (The court shall, if requested by the Petitioner, order the address of the Petitioner and any children of the Petitioner and Respondent to be kept confidential. (**Wyo. Stat. 35-21-105(e)**)). Children's names and dates of birth will be blacked out by the court and kept confidential so only their

initials and year of birth will be listed.

7. Most recent incident of Domestic Abuse

- Please describe in as much detail as possible the most recent incident in which you were threatened, hurt or restrained. **The more details you can provide such as day, place and time, witnesses, including minor children, the more helpful it is for the Judge to make a determination.** Try to use the Respondent's exact words when you were threatened with physical harm and describe any physical abuse in detail. For example, "On Sunday, March 15, 2002, at twelve midnight, Mark slapped my face with an open hand" rather than "On one Sunday this month Mark assaulted me". If weapons were involved, explain in detail.
- If the Respondent has a criminal history, a history of mental illness, substance and/or alcohol abuse, if prior protection orders have been issued and/or violated (include dates and case numbers if available), if threats have been made to take the children, if Respondent has threatened to commit suicide or to kill you, the children, or others put that information in your Petition.

8. History of Domestic Abuse in your relationship

- Please describe the incidents of domestic abuse which have occurred on prior occasions between you and the Respondent. Include any incidents that have included others, such as your children or any incidents involving injury to animals or destruction of property by the Respondent. Again, be as detailed as you can because the Judge will want to be informed about the history of abuse in your relationship with the Respondent. This may help the judge determine the risk of further abuse to you.

9. Firearms Possessed by the Respondent

- This information is essential not only for your safety, but for the safety of those involved in protecting you, including law enforcement. Again, be as specific as possible, listing any specific characteristics of the firearms and where they are located or stored, including which room in a home, if known. If any weapon was involved in the incident before the court, please describe.

10. Asking Court for an "Ex Parte Order" and for additional relief in an "Order of Protection" (valid for a period of time not to exceed one year)

- An Ex Parte Order (sometimes referred to as a "temporary" or "emergency" protection order) is an order which may be immediately available upon the filing of your petition "if it appears from the specific facts shown by the affidavit or by the petition that there exists a danger of further domestic abuse." The order is issued

without giving the other party a chance to tell his or her side of the story and is only valid for a short amount of time, usually until a hearing takes place.

- Ex Parte Orders of Protection may not contain the same relief that you are requesting from the Court in your Petition. If you feel you need protection other than what is listed on the Ex Parte Order of Protection, you may ask for it by listing it in “other relief.” **For example, if you are concerned for your children’s safety or welfare pending a hearing, ask the judge to consider granting you Temporary Custody in the Ex Parte Order pending a hearing on the Order of Protection (an Order of Protection, if granted, is valid for up to one year and may, under certain circumstances, be extended with the Court’s approval).** Children’s names and dates of birth will be blacked out by the court and kept confidential so only their initials and year of birth will be listed.
- If you obtain an Ex Parte Order of Protection, you **MUST** appear at the hearing for an Order of Protection on the date and time scheduled by the Court **OR YOUR EX PARTE ORDER WILL AUTOMATICALLY EXPIRE.** There may be a domestic violence program in your area that can provide help.
- The Ex Parte Order, if granted, will be valid for up to seventy-two (72) hours or until as soon thereafter as the petition may be heard by the court. The judge will hold a hearing on the question of granting an Order of Protection (valid for up to one year).
- If an Ex Parte or Temporary Order of Protection is denied for a reason other than sufficiency of the petition, the court shall serve notice to appear upon the parties and hold a hearing on the Petition for Order of Protection within 72 hours after the filing of the petition or as soon thereafter as the petition may be heard by the court. Again, you **MUST** appear at the hearing in order for the Judge to consider granting your requested Order.
- If an Order of Protection is not granted, you have the right to re-file and provide additional information.
- **An Order of Protection** may be granted if you prove your allegations at the hearing. This Order of Protection is valid for a specific period of time, but not longer than one year (unless extended by the Courts).
- You **MUST** be prepared to prove your allegations at the hearing. At the hearing, the judge will allow both sides and attorneys, if any, a chance to speak. You may call witnesses and present evidence if you wish. If you have copies of medical records from seeking treatment for injuries caused by the alleged abuser or photographs of the injuries or damage to property, answering machine tapes or recordings of threats made by the alleged abuser against you or others close to you, bring them with you to the hearing. **Remember, the judge knows nothing**

about your case, except what you provide in court.

- You may want to request the court require the Respondent to pay costs and fees incurred in bringing an action pursuant to this act including reasonable attorney's fees whether the attorney is court appointed or retained by Petitioner.
- If after the hearing, the judge issues an Order of Protection, it shall be effective for a fixed period of time not to exceed one year. Make sure any Order contains an expiration date.
- The Protection Order replaces the Ex Parte Protective Order if one was issued but **can not** modify, change or amend child custody, child support or property issues from previously entered Orders in other courts (i.e. Divorce Decrees or Paternity cases). If you have copies of any previous or current Orders from any Court involving you, the Respondent and/or any children listed, please provide those orders, the date issued and from which court they were issued.
- Protective Orders may provide for any and all the following demands, restraints and provisions stated in letters (A) through (N). Please check the box of any letter from (A) through (M) which you desire to obtain. Add any additional request in (N), if necessary. For example, if you are concerned the Respondent may cancel your mail service or insurance coverage, shut off your utilities or enter your residence, ask the judge to order him or her not to do these things.
- The order may be extended repetitively for good cause upon motion of the Petitioner for additional periods of time not to exceed one year each. The forms necessary to extend an Order of Protection are also available at the Clerk of Court's office and are usually part of the packet you receive when you request an Application for a Domestic Violence Protection Order. You may not extend an Order once it has expired, so, when possible, request an Extension at least 7 to 10 days prior to the current Order expiring.
- Next, you will need to sign the Petition for an Order for Protection in the presence of the Clerk of Court or in front of a notary public prior to having them filed stamped and served on the Respondent. The Clerk or a notary will also sign the petition to verify your signature.
- You are advised that perjury is a felony punishable by imprisonment or a fine or both. Be both honest and detailed in your Petition.
- Ask the Clerk of Court to give you **certified** copies of any Order of Protection, including an Ex-Parte (Emergency or Temporary) Order of Protection if granted and the Order of Protection (valid for up to one year) when granted (usually after the hearing).

- Make as many copies as necessary for home, work, schools, daycare providers, etc. (if you were ordered temporary care and custody of the minor children or if the Respondent was ordered to have no contact or limited contact with the minor children).
- Carry a copy of any Order of Protection with you at all times.